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BY ECF

Honorable Denise L. Cote
United States District Judge
Southern District of New York
500 Pearl Street, Room 1910
New York, New York 10007

**Re: *Kingstown Capital Mgmt., L.P., v. Radovan Vitek*,
No. 19 Civ. 3170 (DLC) (JLC)**

Dear Judge Cote:

We represent the plaintiffs in the above-referenced case. On Friday, plaintiffs timely filed an opposition to the motions to dismiss filed by defendants Tomáš David, René Foltán, and Petr Sekanina [ECF No. 211]. As we did in responding to the previously-filed motions by the other defendants [ECF No. 178 at 1 n.1], rather than submit numerous opposition briefs, we filed a single combined brief addressing the motions. The first opposition responded to 245 pages of defense briefing; the second opposition brief responded to 50 pages of defense briefing.

Although no defendant had objected when Plaintiff's first opposition brief was filed, yesterday we received an e-mail from counsel for Foltán objecting to the opposition, which counsel characterized as a "50-page brief respond[ing] to Defendant Foltán's 25-page motion to dismiss," which counsel argued "is contrary to [Your Honor]'s rules and individual practices." Counsel asked that we remove the opposition and agree to file a new one, on a schedule to be determined.

Plaintiffs respectfully submit that filing a single, combined opposition brief of up to 50 pages in response to two separate motions to dismiss, collectively spanning 50 pages, is both consistent with the Court's rules and far more efficient than filing multiple briefs. However, to the extent that leave of Court is required, Plaintiffs respectfully request that the Court accept Plaintiffs' brief as filed. We are of course happy to discuss with Foltán's counsel whether he believes he may need more time or pages in reply, as the Court previously granted the first-moving defendants without objection, and as we have told Foltán's counsel. [ECF Nos. 190 (two-week extension to file reply); 198 (extensions for various defendants to file replies of up to 40 pages in length)].

Thank you for your consideration.

Respectfully,

/s/ Matthew L. Schwartz
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